

REGULATIONS FOR MOBILE SOURCES (9 VAC 5 CHAPTER 180)

9 VAC 5 CHAPTER 40.

EXISTING STATIONARY SOURCES.

PART II.

Emission Standards.

ARTICLE 41.

~~EMISSION STANDARDS FOR MOBILE SOURCES.~~

~~9 VAC 5-40-5650. Applicability and designation of affected facility.~~

~~A. Except as provided in subsection C of this section, the affected facility to which the provisions of this rule apply is each mobile source.~~

~~B. The provisions of this rule apply throughout the Commonwealth of Virginia.~~

~~——— C. The provisions of this rule do not apply to mobile sources used solely for ceremonial purposes, antiques and others of historical significance.~~

~~9 VAC 5-40-5660. Definitions.~~

~~——— A. For the purpose of these regulations and subsequent amendments or any orders issued by the board, the words or terms shall have the meaning given them in subsection C of this section.~~

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~~———— B. As used in this rule, all terms not defined here shall have the meaning given them in 9 VAC 5-10-10 et seq., unless otherwise required by context.~~

~~———— C. Terms defined:~~

~~———— "Mobile sources" means any vehicle, including, but not limited to, any motor vehicle (automobile, truck, bus, etc.) or other landcraft; airplane or other aircraft; locomotive or other rail vehicle; ship, boat or other watercraft, which emits or may emit any air pollutant.~~

~~———— "Motor vehicle" means any powered conveyance of a type normally licensed by the Virginia Department of Motor Vehicles.~~

~~9 VAC 5-40-5670. Motor vehicles:~~

~~———— A. Emission control systems:~~

~~———— 1. No owner or other person shall cause or permit the removal, disconnection or disabling of a crankcase emission control system or device, exhaust emission control system or device, fuel evaporative emission control system or device, or other air pollution control system or device which has been installed on a motor vehicle in accordance with federal laws and regulations while such motor vehicle is operating in the Commonwealth of Virginia.~~

~~———— 2. No owner or other person shall attempt to defeat the purpose of any such motor vehicle pollution control system or device by installing any part or component which is not a~~

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~~standard factory replacement part or component of the device.~~

~~3. No motor vehicle or engine shall be operated with the motor vehicle pollution control system or device removed or otherwise rendered inoperable.~~

~~4. The provisions of this section shall not prohibit or prevent shop adjustments or replacement of equipment for maintenance or repair, or the conversion of engines to low polluting fuels such as, but not limited to, natural gas or propane.~~

~~B. Visible emissions:~~

~~1. No owner or other person shall cause or permit the emission of visible air pollutants from gasoline-powered motor vehicles for longer than five consecutive seconds after the engine has been brought up to operating temperature.~~

~~2. No owner or other person shall cause or permit the emission of visible air pollutants from diesel-powered motor vehicles of a density equal to or greater than 20% opacity for longer than 10 consecutive seconds after the engine has been brought up to operating temperature.~~

~~C. In commercial or residential urban areas, propulsion engines of motor vehicles licensed for commercial or public service use shall not be left running for more than three minutes when the vehicle is parked, unless the propulsion engine is providing auxiliary power for other than heating or air conditioning; except that:~~

~~1. Four buses may idle for up to 10 minutes during hot weather in order to maintain~~

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~~power to the air conditioning system; and~~

~~2. Diesel powered vehicles may idle for up to 10 minutes to minimize restart problems.~~

~~9 VAC 5-40-5680. Other mobile sources:~~

~~A. General. All mobile sources operating within Virginia, including the air space over this Commonwealth, shall control their emissions in strict accordance with the applicable federal laws and regulations.~~

~~B. Visible emissions. The provisions of 9 VAC 5-40-80 shall apply to the discharge of visible emissions from all mobile sources, unless specified otherwise in subsection C of this section.~~

~~C. Exceptions:~~

~~1. Aircraft. Subsection B of this section shall not apply to aircraft.~~

~~2. Diesel locomotives. Visible emissions from operating diesel-powered locomotives shall not exceed a density greater than 30% opacity unless the locomotive is operating under any of the following conditions:~~

~~a. Accelerating under load, and then only for a maximum of 40 consecutive seconds for stabilization of the new operating condition;~~

~~b. Being loaded after a period of idle, and then only for a maximum period of four consecutive minutes after the changed condition;~~

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~~_____ c. Started cold, and then only for a maximum of 30 consecutive minutes after such a start; or~~

~~_____ d. Being tested, adjusted, or broken in after rebuilding or repair, and then only for maximum periods of 3 consecutive minutes for an aggregate of no more than 10 minutes in any 60-minute period.~~

~~_____ 3. Ships and other watercraft. Visible emissions in excess of subsection B of this section are authorized when not at dock and for brief periods when at dock under the following conditions:~~

~~_____ a. During dock trials as required to test and calibrate the ship's machinery control systems;~~

~~_____ b. When lighting off a cold machinery plant and getting under way;~~

~~_____ c. When used on shore to simulate dock or sea trials; or~~

~~_____ d. When soot blowing. Soot blowing shall be limited to once in each 24-hour period and shall be allowed only when wind conditions and direction are such as to prevent a public nuisance or hazard to the health and safety of persons and property both ashore and afloat.~~

~~_____ 4. Other diesel-powered mobile sources. Visible emissions from diesel-powered mobile sources which are not otherwise governed by these regulations shall not exceed~~

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~~20% opacity for longer than 10 consecutive seconds after the engine has been brought up to operating temperature.~~

~~9 VAC 5-40-5690. Export/import of motor vehicles.~~

~~——— A. Any person may remove the catalyst and restrictive filler inlet from used motor vehicles scheduled for shipment overseas provided that:~~

~~——— 1. The export/import of the motor vehicle meets the provisions of subsection B of this section; and~~

~~——— 2. The removal of the emission control devices does not take place prior to 10 days before the vehicle is turned in to the port authorities and the reinstallation of the emission control devices takes place within 10 days after receipt of the vehicle by the owner from the port authorities.~~

~~——— B. To be exempted under the provisions of subsection A of this section, the motor vehicle must:~~

~~——— 1. Be exported/imported under a U.S. Environmental Protection Agency (EPA) approved catalyst control program; or~~

~~——— 2. If not under an EPA program, upon reimportation to the United States must be entered through U.S. Customs under cash bond and formal entry procedures (19 CFR 12- Special classes of merchandise) and must be modified to bring it into conformity with applicable federal motor vehicle emission standards (40 CFR 86 - Control of air pollution~~

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~~from new motor vehicle engines: Certification and test procedures):~~

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9 VAC 5-180-10. Applicability and designation of affected facility.

_____ A. Except as provided in subsection C of this section, the affected facility to which the provisions of this chapter apply is each motor vehicle.

_____ B. The provisions of this chapter apply throughout the Commonwealth of Virginia.

_____ C. The provisions of this chapter do not apply to:

_____ 1. Mobile sources other than motor vehicles; and

_____ 2. Mobile sources used solely for ceremonial purposes, antiques and others of historical significance.

9 VAC 5-180-20. Definitions.

_____ A. For the purpose of this chapter or any orders issued by the board, the words or terms shall have the meaning given them in subsection C of this section.

_____ B. As used in this chapter, all terms not defined here shall have the meaning given them in 9 VAC 5 Chapter 10 (9 VAC 5-10-10 et seq.), unless otherwise required by context.

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 C. Terms defined.

 "Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method, but which has been demonstrated to the satisfaction of the board, in specific cases, to produce results adequate for its determination of compliance.

 "Law enforcement officer" means any full time or part time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth.

 "Mobile sources" means any vehicle, including, but not limited to, any motor vehicle (automobile, truck, bus, etc.) or other landcraft; airplane or other aircraft; locomotive or other rail vehicle; ship, boat or other watercraft, which emits or may emit any air pollutant.

 "Motor vehicle" means any powered conveyance of a type normally licensed by the Virginia Department of Motor Vehicles or a motor vehicle licensing agency in another state.

 "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background, expressed as a percentage.

 "Reference method" means any method of sampling and analyzing for an air

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pollutant as described in Appendix A of 40 CFR Part 60.

9 VAC 5-180-30. Motor vehicles.

_____ A. The following provisions apply with regard to emission control systems:

_____ 1. No owner or other person shall cause or permit the removal, disconnection, disabling or intentional alteration which reduces the effectiveness of a vehicle emissions control system or device which has been installed on a motor vehicle in accordance with federal laws and regulations.

_____ 2. No owner or other person shall attempt to defeat the purpose of any such motor vehicle pollution control system or device by installing any part or component which is not a standard factory replacement part or component of the device.

_____ 3. No motor vehicle or engine shall be operated with the motor vehicle emissions control system or device removed, rendered inoperable or intentionally altered resulting in reduced effectiveness.

_____ 4. The provisions of this section shall not prohibit or prevent shop adjustments or replacement of equipment for maintenance or repair, or the conversion of engines to low polluting fuels such as, but not limited to, natural gas or propane.

_____ B. The following provisions apply with regard to visible emissions:

_____ 1. No owner or other person shall cause or permit the emission of visible air

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pollutants from gasoline and other non-diesel fuels-powered motor vehicles for longer than five consecutive seconds after the engine has been brought up to operating temperature.

_____ 2. No owner or other person shall cause or permit the emission of visible air pollutants from diesel-powered motor vehicles of a density equal to or greater than 20% opacity for longer than 10 consecutive seconds after the engine has been brought up to operating temperature.

_____ C. In commercial or residential urban areas, propulsion engines of motor vehicles shall not be left running for more than 10 minutes when the vehicle is parked, unless the propulsion engine is providing auxiliary power for other than heating or air conditioning; except that tour buses may idle for up to 60 minutes during hot weather in order to maintain power to the air conditioning system.

9 VAC 5-180-40. Export/import of motor vehicles.

_____ A. Any person may remove the catalyst and restrictive filler inlet from used motor vehicles scheduled for shipment overseas provided that:

_____ 1. The export/import of the motor vehicle meets the provisions of subsection B of this section; and

_____ 2. The removal of the emission control devices does not take place prior to 10 days before the vehicle is turned in to the port authorities and the reinstallation of the emission control devices takes place within 10 days after receipt of the vehicle by the owner from the port authorities.

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 B. To be exempted under the provisions of subsection A of this section, the motor vehicle must:

 1. Be exported/imported under a U.S. Environmental Protection Agency (EPA) approved catalyst or other control program; or

 2. If not under an EPA program, upon importation to the United States must be entered through U.S. Customs under cash bond and formal entry procedures (19 CFR Part 12 - Special classes of merchandise) and must be modified to bring it into conformity with applicable federal motor vehicle emission standards (40 CFR Part 86 - Control of air pollution from new motor vehicle engines: Certification and test procedures).

 C. Vehicles brought into the United States under special dispensation from EPA and not manufactured for sale in the United States to conform to motor vehicle emissions standards set by the federal government or the State of California and accompanied by EPA documentation exempting such vehicles from emissions control equipment standards under certain conditions shall be considered non-conforming vehicles and may not be required to have the catalytic converter and restrictive filler inlet installed.

9 VAC 5-180-50. Delegation of authority.

 By the adoption of this chapter, the board confers upon the governmental entities specified below the administrative, enforcement and decision making authority set forth in this section. The board reserves the right to exercise its authority in any of the following delegated authorities should it choose to do so.

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_____ 1. The department shall have the authority to implement and enforce any provisions of this chapter.

_____ 2. Any law enforcement officer shall have the authority to enforce the provisions of 9 VAC 5-180-30 A, B and C.

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9 VAC 5 CHAPTER 91.

REGULATION FOR THE CONTROL OF MOTOR VEHICLE EMISSIONS
IN THE NORTHERN VIRGINIA AREA.

PART III.

EMISSION STANDARDS FOR MOTOR VEHICLE AIR POLLUTION.

9 VAC 5-91-190 Emissions control systems standards.

A. In accordance with § 46.2-1048 of the Code of Virginia, and ~~9 VAC 5-40-5670~~, no motor vehicle manufactured for the model year 1973 or for subsequent model years shall be operated on the highways of the Commonwealth unless it is equipped with an emissions control system or device, or combination of such systems or devices, such as a crankcase emissions control system or device, exhaust emissions control system or device, fuel evaporative emissions control system or device, or other emissions control system or device which has been installed in accordance with federal laws and regulations no owner or other person shall cause or permit the removal, disconnection, disabling or intentional alteration which reduces the effectiveness of an emissions control system or device which has been installed on a motor vehicle in accordance with federal laws and regulations.

B. In accordance with ~~9 VAC 5-40-5670~~, no motor vehicle or engine shall be operated if any motor vehicle emissions control system or device has been defeated or replaced by installing any part or component which is not (i) a standard factory replacement part or component or factory equivalent (ii) a part or component certified by the U.S.

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~~Environmental Protection Agency to comply with the Federal Motor Vehicle Control Program requirements:~~ No owner or other person shall attempt to defeat the purpose of any such motor vehicle emissions control system or device by installing any part or component which is not (i) a standard factory replacement part or component of the device or (ii) a part or component certified by the U.S. Environmental Protection Agency to comply with the Federal Motor Vehicle Control Program requirements.

C. ~~In accordance with 40 CFR Part 51, § 51.357 (b)(2);~~ the installation of any aftermarket parts approved by the U.S. Environmental Protection Agency or by the California Air Resources Board for installation as a part of a vehicle's emissions control equipment shall not be considered ~~tampering~~ a violation of this section.

D. ~~In accordance with 9 VAC 5-40-5670;~~ no owner or other person shall operate a motor vehicle or engine shall be operated with the motor vehicle emissions control system or device removed, rendered inoperable or effectiveness reduced through intentional alteration.

E. The provisions of this section shall not prohibit or prevent shop adjustments or replacement, or both, of equipment for maintenance or repair, or the conversion of engines to low polluting fuels such as, but not limited to, natural gas or propane.

9 VAC 5-91-210 Visible emissions standards.

~~In accordance with 9 VAC 5-40-5670;~~ no motor vehicle shall discharge visible air pollutants for longer than five consecutive seconds after the engine has been brought up to operating temperature.

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A. No owner or other person shall cause or permit the emission of visible air pollutants from gasoline and other non-diesel fuels-powered motor vehicles for longer than five consecutive seconds after the engine has been brought up to operating temperature.

B. No owner or other person shall cause or permit the emission of visible air pollutants from diesel-powered motor vehicles of a density equal to or greater than 20% opacity for longer than 10 consecutive seconds after the engine has been brought up to operating temperature.

C. Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Reference Method 9 or any alternative method. Opacity readings of portions of plumes which contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity standards.